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Paper No. 18

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FEB 09 2005

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of: Chandran, et al.  
Application No.: 09/276,917  
Filed: March 26, 1999  
Attorney Docket No.: CISC100/1156  
For: NETWORK TRAFFIC SHAPING  
USING TIME-BASED QUEUES

)  
)  
) **DECISION ON PETITION TO**  
) **ACCEPT CORRESPONDENCE AS**  
) **TIMELY FILED UNDER 37 CFR §1.8**  
)  
)

This is a decision on the request for reconsideration, filed on July 8, 2004 (duplicate copy filed December 22, 2004), of the decision to dismiss the petition filed October 14, 2003 to have correspondence deemed to have been timely filed under 37 CFR § 1.8(b).

The petition is **GRANTED**.

A non-final Office action was mailed January 28, 2003 (Paper No. 13). The decision to dismiss the petition of October 14, 2003 (Paper No. 14) was mailed on June 29, 2004 (Paper No. 15). A Notice of Abandonment was mailed on November 12, 2004 (Paper No. 16).

In considering petitioners' submission under 37 CFR § 1.8(b), the correspondence will be considered timely filed if petitioners meet at least three conditions:

1. Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
2. Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
3. Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

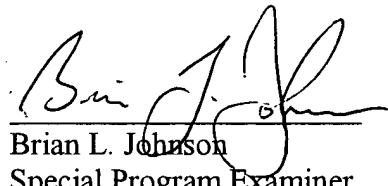
The petition filed October 14, 2003 includes a copy of the previously mailed correspondence and certificate as well as a statement by Leslie Russell that attests on a personal knowledge basis to the previous timely mailing (items 2 and 3 above). The request for reconsideration filed July 8,

2004 includes an acceptable statement regarding prompt notification to the Office of the previous timely mailing of the correspondence (item 1 above).

The petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **Withdraw the Holding of Abandonment**, restore the instant application to pending status and to process the amendment (copy submitted October 14, 2003). The application will then be forwarded to the examiner for prompt action on the merits.

Telephone inquiries should be directed to the undersigned at 571-272-3595.

A handwritten signature in black ink, appearing to read "Brian L. Johnson", is written over a horizontal line.

Brian L. Johnson  
Special Program Examiner  
Technology Center 2100  
Computer Architecture, Software, and Information Security

BLJ: 2/8/05